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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION
19

20 TWITTER, INC., a Delaware corporation,

21 Plaintiff,

22 v.

23 SKOOTLE CORP., a Tennessee corporation;
JAMES KESTER, an individual; and TROY
24 FALES, an individual,

25 Defendants.
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FILED

JUN 0 0 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. 3:12-cv-1721 JST

~~PROPOSED~~ STIPULATED CONSENT
ORDER

Judge: Hon. Jon S. Tigar

1 As a result of the parties' agreement regarding the terms of this consent judgment,
2 ~~judgment is hereby entered in this action, and~~ it is hereby ORDERED, ADJUDGED, and
3 DECREED that:

4 a) Defendants Skootle Corporation, James Kester, and Troy Fales, their
5 agents, employees, and other persons who are in active concert or participation with anyone
6 described in this subsection, are permanently enjoined from directly or indirectly:

7 i) Creating or soliciting the creation of Twitter accounts for
8 purposes that violate Twitter's Terms of Service (this term, or "TOS", includes Twitter's Terms
9 of Service, the Twitter Rules, API Terms/Developer Rules of the Road, Automation Rules and
10 Best Practices, Following Rules and Best Practices, and other user and developer terms);

11 ii) Accessing, searching, or attempting to access or search Twitter's
12 website, computer systems, and services in order to engage in specific acts that violate
13 Twitter's Terms of Service;

14 iii) Creating, developing, manufacturing, adapting, modifying,
15 making available, trafficking in, using, disclosing, selling, licensing, distributing (with or
16 without monetary charge), updating, providing customer support for, or offering for use, sale,
17 license, or distribution (with or without monetary charge), any software or technology designed
18 for use in connection with Twitter's service, the use of which would violate Twitter's Terms of
19 Service, including but not limited to TweetAdder version 3.0 and all prior versions of the
20 TweetAdder software;

21 iv) Transmitting, assisting with the transmission of, or procuring or
22 inducing the transmission of unsolicited commercial messages to users on Twitter's service,
23 including but not limited to Tweets, @replies, and direct messages, to Twitter users;

24 v) Engaging in false representations or false advertising that would
25 misleadingly suggest to a reasonable consumer that a software or other technology conforms to
26 Twitter's Terms of Service and/or will not result in a Twitter user's account being suspended;
27 and
28

vi) Engaging in any activity that violates, or induces others to violate, Twitter's Terms of Service and/or Privacy Policy.

Dated: June 4, 2013

WILSON SONSINI GOODRICH & ROSATI P.C.

By: /s Charles T. Graves
Charles T. Graves
tgraves@wsgr.com

Attorneys for Plaintiff
TWITTER, INC.

Dated: June 4, 2013


COLT / WALLERSTEIN LLP

By: /s Doug Colt
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Attorneys for Defendants
SKOOTLE CORP., JAMES KESTER, and TROY
FALES

IT IS SO ORDERED.

DATED: 6/6/13



Honorable Jon S. Tigar
United States District Judge